

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

United States of America,)	CRIMINAL NO. 5:95-333
)	
v.)	OPINION and ORDER
)	
Albert Shaw Nelson,)	
)	
Defendant.)	
_____)	

This matter is before the court on Defendant’s motion “To Amend Motion to Set Aside “Pursuant to Rule 60, or, in the Alternative, [for] an Independent Action for Relief from Judgment Under Rule 60(d)(1) and (3), Federal Rules of Civil Procedure.” ECF No. 408. Defendant again contends the attorney he hired to file the previously-denied Motion to Set Aside failed to “perfect[] a proper Rule 60 Motion” Mot. at 2.

Defendant’s “Motion to Set Aside” was dismissed as a successive motion for relief under 28 U.S.C. § 2255. *See* Opinion & Order, ECF No. 407. Defendant’s current motion provides no grounds for reversing this court’s earlier ruling other than counsel’s alleged failure in “pleading fraud.” Mot. at 2. This alleged deficiency, and any further argument Defendant presents in this motion relating to the Government’s alleged fraud, fails to overcome the fact that Defendant’s Motion to Set Aside was a second or successive motion for relief under § 2255.

Defendant’s motion to amend is **denied**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
May 8, 2014